

## **REMARKS**

Entry of the foregoing, reexamination and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

As correctly noted in the Office Action Summary, claims 8-12 are pending with claims 17-43 being withdrawn from consideration. By the present response, claim 8 has been amended and claims 44-46 have been added. Thus, upon entry of the present response, claims 8-12 and 44-46 remain pending and await further consideration on the merits.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: page 3, lines 14-29; and the original claims.

## **OBVIOUSNESS-TYPE DOUBLE PATENTING**

Claims 8-12 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,689,202 on the grounds set forth in paragraph 3 of the Official Action. This rejection is respectfully traversed. In particular, the grounds for rejection fail to establish how the acknowledged differences between claims 8-12 of the present application and claim 1 of U.S. Patent No. 6,689,202 would have been obvious to one of ordinary skill in the art in a manner that satisfies the requirements of *Graham v. John Deere*. Nevertheless, submitted herewith is a properly executed Terminal Disclaimer over U.S. Patent No. 6,689,202. Accordingly, the rejection has been obviated.

**CLAIM REJECTIONS UNDER 35 U.S.C. §§102/103**

Claims 8-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over the article by Hardy et al., Journal of the European Ceramic Society, Vol. 15 (1995), pp. 769-775 (hereafter "*Hardy et al.*") on the grounds set forth in paragraph 4 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

The present invention is directed to a partially sintered ceramic material useful in the manufacture of dental models. Such dental models are typically manufactured from a refractory material having a high strength. Such materials can be difficult to machine to their final shape (see, e.g., page 1, lines 21-28). A blank formed according to the principles of the present invention is set forth in amended claim 8.

Amended claim 8 recites:

*8. A blank for the manufacture of a dental model fabricated from a partially sintered castable or investment refractory ceramic material comprising a refractory filler and a bonding agent wherein the partially sintered ceramic material is sintered to less than about 92% of theoretical full density.*

*Hardy et al.* fails to anticipate, or render obvious, the blank recited as defined above in amended claim 8.

*Hardy et al.* is a report of the mechanical properties of a partially sintered alumina material. As acknowledged in paragraph 4 of the Official Action, *Hardy et al.* fails to disclose a blank suitable for the manufacture of a dental model. Thus, *Hardy et al.* clearly fails to anticipate claim 8.

As evident from amended claim 8 reproduced above, the blank according to the presently claimed invention is fabricated from a partially sintered "castable or investment refractory ceramic material." *Hardy et al.* also fails to disclose, or even

suggest, at least this aspect of the presently claimed invention. Thus, reconsideration and withdrawal of the rejection is respectfully requested.

**CONCLUSION**

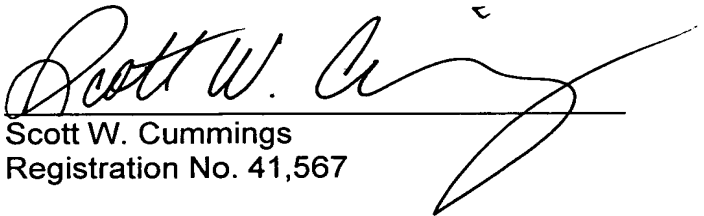
From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

BUCHANAN INGERSOLL PC

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